

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER DIRECTOR'S OFFICE

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August 14, 2006

Michael F. Gearheard, Director
Office of Water and Watersheds
US Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

RE: Revisions to Alaska Water Quality Standards for mixing zones

Dear Mr. Gearheard:

The Department of Environmental Conservation (DEC) adopted a revision to Alaska's Water Quality Standards in 18 AAC 70 regarding mixing zones regulations and is submitting the change to the Environmental Protection Agency (EPA) for review. The final mixing zone regulation includes revisions that

- expand the prohibition on mixing zones in spawning areas to include lakes;
- create exemptions to the prohibition on mixing zones in non-salmon spawning habitat;
- allow an exemption to the prohibition for mixing zones that were previously authorized in areas where fish were not spawning;
- reorganize the mixing zone regulation to improve clarity and reduce redundancy;
- simplify some technical provisions including ones dealing with risk assessment, flow calculations, and mixing zone models;
- update a reference to federal technology-based effluent limitations;
- include a new definition for shellfish; and
- provide for consideration of measures that would mitigate the potential adverse effects of mixing zones on aquatic resources.

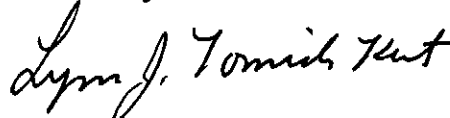
The revised regulation was signed by Commissioner Kurt Fredriksson on February 17, 2006 and filed by Lieutenant Governor Leman on February 21, 2006. The requirements under this regulation went into effect for state purposes on March 23, 2006.

Please find enclosed:

1. a copy of the final regulation in 18 AAC 70.240;
2. the adoption order signed by Commissioner Fredriksson and Lieutenant Governor Leman;
3. the February 21, 2006 memo from the Alaska Department of Law certifying the regulation;
4. DEC response to EPA comments on the 10-17-06 proposed regulations;
5. Commissioner Fredriksson's letter dated January 12, 2006 explaining the new regulations; and
6. the draft mixing zone revisions guidance.

If you have any questions please contact me or Nancy Sonafrank at (907) 451-2726.

Sincerely,



Lynn J. Tomich Kent
Director

Enclosures

cc:

(w/enc): Janine Jennings, EPA R10/Seattle
Lisa McGuire, EPA R10/Seattle

[w/out enc]: Dan Easton, DEC Deputy Commissioner
Nancy Sonafrank, DEC Water/Fairbanks

